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Executive Summary

Rules should not be waived merely based on AT&T's assertions of what they would like to see happen, if the Commission is indeed interested in its stated objectives of protecting consumers and ensuring that emerging IP networks are to remain resilient. In prior filings, NTCA has offered the Commission a reasonable path that it characterized as a "smart regulation review" that promotes regulatory certainty while still promoting innovation and protecting consumer interests. Such an approach seeks to understand the possible consequences of actions, in stark contrast to the AT&T and CenturyLink approach of wholesale shedding of time-tested public policy approaches – a virtual "throw the baby out with the bathwater" scenario.

While Next Generation 9-1-1 (NG911) holds great promise, the question is how to provide a transition path that is safe to all consumers. While the Commission can issue a landmark Transformation Order and then six subsequent clarification orders designed to help ameliorate problems with the initial ruling, we respectfully submit that in the public safety area the correct number of "do-overs" is zero.

We believe it will be informative to the proper development of a second numbering trial to carefully analyze whether the conditions and reporting requirements developed for the initial trial protected the public interest. We respectfully submit that it will take keen regulatory oversight to ensure that consumers are protected, number exhaust is mitigated, and problems are monitored and alleviated in the initial trial. Diligence in the first step can provide public policy benefits in the second step.

I. INTRODUCTION AND BACKGROUND

GVNW Consulting, Inc. (GVNW) submits comments filed pursuant to the Commission's Public Notice (DA 13-1016), released on May 10, 2013. The instant Public Notice seeks comment on a series of trials proposed by the Commission's Technology Transitions Task Force.

We applaud the Commission's desire to seek additional information on technology transitions. It is not a question of whether the technology will evolve, but whether the Commission (and possibly state commissions) can find a positive public policy role¹ to play in the evolution. While an IP platform offers great potential, it creates policy challenges as well. For example, in some cases it will be difficult to identify the physical location of a customer that has dialed 911 in an emergency. The Commission must fashion a means to monitor progress and effectively assess what rules are needed to protect consumers and universal service.

GVNW is a management consulting firm that provides a wide variety of consulting services, including regulatory and advocacy support on issues such as universal service, intercarrier compensation reform, and strategic planning for communications carriers in rural America. We are pleased to have the opportunity to offer comments addressing the issues the Commission has raised in the *Public Notice*, focusing on issues for rural carriers.

¹ NTCA's "smart regulation review" is based on the concept that the evolution to IP networks "*must not abandon or neglect the core statutory objectives of protecting consumers, promoting competition, and ensuring universal service.*" These are foundational concepts that are part of the current law and will meet the test of time as technology continues to evolve.

II. PUBLIC POLICY GOALS SHOULD BE WELL DEFINED

The Public Notice seeks comment on three distinct categories² of proposed trials, creating different public policy considerations applicable to each type of trial. In the Public Notice, there are several important parameters that should be clarified **prior to the beginning** of the trials. For a trial to yield defensible results, the rules of engagement should be determined prior to commencing the trial.

For instance, industry participants differ considerably as to the applicability³ of the Sections 251 and 252 frameworks to such a trial. As noted in footnote 23 of the Public Notice, the Commission captures the opinions of AT&T and CenturyLink that oppose the NTCA proposal to regulate VoIP interconnection under sections 251 and 252. Others, including NECA, the Rural Associations and GVNW, believe that IP interconnection arrangements between carriers for the exchange of traffic should be subject to sections 251 and 252, regardless of technologies employed. It appears that AT&T and CenturyLink are attempting to rewrite the Telecommunications Act of 1996 without a proper⁴ and necessary process.

Rules should not be waived merely based on AT&T's assertions of what they would like to see happen, if the Commission is indeed interested in its stated objectives of protecting consumers and ensuring that emerging IP networks are to remain resilient.

² The Public Notice discusses trials for the ongoing transitions from copper to fiber, from wireline to wireless, and from time-division multiplexing (TDM) to IP.

³ Section 251 and 252 requirements have been in place during the entire time that NECA has offered a tariffed rate for the termination of VoIP traffic.

⁴ In prior filings, NTCA has offered the Commission a reasonable path that it characterized as a "smart regulation review" that promotes regulatory certainty while still promoting innovation and protecting consumer interests. Such an approach seeks to understand the possible consequences of actions, in stark contrast to the AT&T and CenturyLink approach of wholesale shedding of time-tested public policy approaches – a virtual "throw the baby out with the bathwater" scenario.

III. PUBLIC SAFETY ISSUES SHOULD BE A PRIORITY IN ANY TRIAL PHASE AND ON AN ONGOING BASIS

In the Public Notice at page 1, the Commission asserts that it seeks facts to determine “*what policies are appropriate to promote investment and innovation while protecting consumers, promoting competition, and ensuring that emerging all-Internet Protocol (IP) networks remain resilient.*” The Commission further asserts at page 6 of the Notice that: “*Public safety is a paramount value that must be protected as technologies transition.*” The Commission is on target in this regard.

While Next Generation 9-1-1 (NG911) holds great promise to develop widely available IP technologies to create 911 services that are cost-effective and resilient and offer added capabilities of text, data and video, the question is how to provide a transition path that is safe to all consumers. While the Commission can issue a landmark Transformation Order and then six subsequent clarification orders designed to help ameliorate problems with the initial ruling, we respectfully submit that in the public safety area the correct number of “do-overs” is zero.

At present, there are vast differences between states in both funding distribution and readiness of carriers to implement NG911. Any ordered rollout will require careful coordination with state and local authorities in order to avoid any public safety disasters.

IV. ADDITIONAL NUMBERING TRIALS ARE PREMATURE

At page 10 of the Notice, the Commission seeks comment on a potential additional trial regarding numbering issues and related databases. The Commission notes at page 10 that it recently authorized a limited 6-month trial to provide interconnected VoIP providers with direct access to numbers. The Commission caveats the discussion of that trial with a statement that it “*will not specifically examine changes in the structure of current numbering databases.*”

We agree with the opinions within the industry that while numbering database issues are not the most exciting, they are a key component in the transition to all-IP interconnection. It would thus seem prudent to be informed by the current trials in progress prior to launching into a second trial. We believe it will be informative to the proper development of a second numbering trial to carefully analyze whether the conditions and reporting requirements developed for the initial trial protected the public interest.

We respectfully submit that it will take keen regulatory oversight to ensure that consumers are protected, number exhaust is mitigated, and problems are monitored and alleviated in the initial trial. Diligence in the first step can provide public policy benefits in the second step.

Respectfully submitted,

Via ECFS at 7/8/13

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